

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

RICHARD J. HILL,

Case No. 2:19-cv-159

Plaintiff,

Hon. Hala Y. Jarbou

v.

U.S. District Judge

JUSTIN WONCH,

Defendant.

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SUPPLEMENT TO FINAL PRETRIAL ORDER

A telephone conference was conducted on Friday, July 8, 2022. During the conference, the parties clarified their positions with respect to several exhibits and the parties' plans with respect to the portions of depositions to be presented. The clarifications, which constitute revisions to the Court's final pretrial order dated July 6, 2022 (ECF No. 117), are set forth below.

1) Exhibits –

Plaintiff's:

Exhibit 5 – Defendant does not object to the admissibility of this exhibit, but still needs to review Plaintiff's redactions. It is noted that Defendant's Exhibit K is the same exhibit as Plaintiff's Exhibit 5. Thus, the parties should work together to ensure that both exhibits contain the same redactions.

Exhibit 6 – ECF No. 125, Defendant stated an objection to Plaintiff's Exhibit 6 in the parties' draft final pretrial order. (ECF No. 112, PageID.808.) Defendant renewed this objection in ECF No. 125, which is Defendant's objection to the final pretrial order. Defendant's objection to Exhibit 6, which asserts that this exhibit would only be admissible if Plaintiff can establish that the charges in these medical billing records were necessary and reasonable, remains unresolved.

Exhibits 16 and 17 – Plaintiff intends to present these exhibits as demonstrative only and will not move to admit them into evidence. Thus,

the undersigned did not rule on the admissibility of these exhibits. Defendant retains the right to object to these exhibits during trial.

Defendant's:

Exhibit A – Defendant intends to present this exhibit as demonstrative only and will not move to admit it into evidence.

Exhibit B – Defendant intends to admit this exhibit into evidence under Fed.R.Evid. 803(18)(B). Plaintiff objects and the Court will have to determine the admissibility and use of this exhibit at trial.

Exhibits G, M, and N – Withdrawn by Defendant.

Exhibit P – This exhibit is Defendant Wonch's police report relating to the incident in this case. Defendant plans to add this exhibit to his exhibit book. Defendant asserts that this exhibit is admissible under Fed.R.Evid. 803(8). Plaintiff objects to its admissibility.

- 2) Uncontroverted facts: No change
- 3) Controverted Facts and Unresolved Issues: No change
- 4) Witnesses: No change
- 5) Depositions and Discovery Documents:

Plaintiff intends to file a notice identifying the segments of Witness Fitzgerald's deposition that he wishes to present in trial.

Defendant has filed a supplement to the Final Pretrial order (ECF No. 126) identifying additional portions of depositions of Lara and Normand that he wishes to present.

Date: July 8, 2022

/s/ Maarten Vermaat
Maarten Vermaat
United States Magistrate Judge